

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

PATRICIA ROGERS,

CIVIL ACTION

Plaintiff,

No.: 2:22-cv-00499

v.

CRAIG A. TARBOX, RIVERSIDE
TRANSPORTATION, INC., RIVERSIDE
TRANSPORT, INC. and JOHN DOE
COMPANY,

Defendants.

NOTICE OF REMOVAL

AND NOW, come the Defendants, Riverside Transportation, Inc., Riverside Transport, Inc., and Craig A. Tarbox, by and through their attorneys, Timothy Smith, Esquire, Julie A. Brennan, Esquire, and Pion, Nerone, Girman, Winslow & Smith, P.C., and remove the above-captioned lawsuit pursuant to 28 U.S.C. § 1441, *et seq.* from the Circuit Court of Fayette County, West Virginia (Civil Action No. CC-10-2022-C-109) to the United States District Court for the Southern District of West Virginia, at Charleston, and in support thereof, aver as follows:

1. Plaintiff initiated this lawsuit in the Circuit Court of Fayette County, West Virginia at Civil Action No. CC-10-2022-C-109. Copies of all process, pleadings and Orders served upon the Defendants are attached hereto as Exhibit “A.” A copy of the State Court docket is attached hereto as Exhibit “B.”

2. The Complaint names as Defendants, Craig A. Tarbox, Riverside Transportation, Inc., Riverside Transport, Inc.

3. According to the Complaint, Plaintiff is a resident of Powellton, Fayette County, West Virginia. (Compl. ¶ 1).

4. The Complaint alleges that Defendant, Craig A. Tarbox, is a resident of McKean County, Pennsylvania. (Compl. ¶ 2).

5. The Complaint alleges that Riverside Transportation, Inc. is a corporation organized under the laws of the state of Indiana with a principal place of business located in Rockport, Indiana. (Compl. ¶ 3).

6. The Complaint alleges that Defendant, Riverside Transport, Inc., is a corporation organized under the laws of the state of Delaware with a principal office located in Kansas. (Compl. ¶ 6).

7. The Complaint alleges that Plaintiff “suffered severe injuries to her body for which she has and/or will continue to experience and/or incur: property damage, medical expenses, pain and suffering, physical limitations, diminished capacity to enjoy life, annoyance and inconvenience, and other consequences and damages associated with her injuries.” (Compl. ¶ 33).

8. In addition to compensatory damages, the Complaint seeks an award of punitive damages in the Wherefore clause.

9. Upon information and belief, as of August 9, 2021, the Plaintiff had incurred medical billings in the amount of \$8,056.13.

10. Upon information and belief, the amount of Plaintiff’s medical billings has increased since August 2021.

11. With an increase in the amount of Plaintiff’s medical billings, and allegations of property damage, pain and suffering, and physical limitations, along with the request for punitive

damages, upon information and belief the amount in controversy in this case is in excess of \$75,000.00.

12. The above-captioned action is within the jurisdiction of the United States District Court for the Southern District of West Virginia.

13. The United States District Court for the Southern District of West Virginia has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 in as much as the amount in controversy exceeds the sum of Seventh Five Thousand Dollars (\$75,000.00 00), exclusive of interest and costs, and is between citizens of different states.

14. This action is removable from the Circuit Court of Fayette County, West Virginia, pursuant to the provisions of 28 U.S.C. § 1441 *et seq.*

15. Concurrent with the filing of this Notice of Removal, Defendants have filed a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Fayette County, West Virginia, advising that they have removed this action to the United States District Court for the Southern District of West Virginia.

16. In filing this Notice of Removal, Defendants do not waive any affirmative defenses they may assert in this action.

WHEREFORE, Defendants, Craig A. Tarbox, Riverside Transportation, Inc., and Riverside Transport, Inc., respectfully pray that this Honorable Court remove this matter from the Circuit Court of Fayette County, West Virginia, to the United States District for the Southern District of West Virginia.

JURY TRIAL DEMANDED

Respectfully submitted,

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

/s/ Julie A. Brennan, Esquire
Timothy Smith, Esquire
WV I.D. No. 6128
Julie A. Brennan, Esquire
WV I.D. No. 11225
Attorneys for Defendants,
Craig A. Tarbox, Riverside Transportation, Inc.
And Riverside Transport, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF REMOVAL was served upon counsel of record via the electronic filing system this 28th day of October, 2022, as follows:

Stephen B. Farmer, Esquire (#1165)
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/s/ Julie A. Brennan, Esquire
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Julie A. Brennan, Esquire
WV I.D. No. 11225
Attorneys for Defendants,
Craig A. Tarbox, Riverside Transportation, Inc.
And Riverside Transport, Inc.